

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PETER LABRECK,

Plaintiff,

v.

PAUL ESPOSITO, *et al.*,

Defendants.

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Case No. 11-11328

Hon. John Corbett O'Meara  
Magistrate Judge Mark A. Randon

**ORDER ADOPTING REPORT AND  
RECOMMENDATION AND OVERRULING OBJECTIONS**

Before the court is Magistrate Judge Mark A. Randon's report and recommendation, filed November 29, 2012. Plaintiff filed objections on December 11, 2012. Defendants Posavetz, Stachowski, and Stafford filed a response to Plaintiff's objections on December 19, 2012. Defendant Lucido filed a response to Plaintiff's objections on December 26, 2012. On January 8, 2013 Plaintiff filed an addendum to his objections.

This court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made. 28 U.S.C. § 636(b)(1)(C). The court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate." *Id.* Having thoroughly reviewed the papers, the court finds that the magistrate judge correctly concluded that the claims against Defendants Posavetz, Stachowski, Stafford, and Lucido must be dismissed. Accordingly, the court will overrule Plaintiff's objections.

IT IS HEREBY ORDERED that Magistrate Judge Randon's November 29, 2012 report and recommendation is ADOPTED.

IT IS FURTHER ORDERED that Defendants' September 25, 2012 motion to dismiss is GRANTED, and Plaintiff's claims against Defendants Posavetz, Stachowski, Stafford, and Lucido are DISMISSED WITH PREJUDICE.

IT IS FURTHER ORDERED that Defendant Lucido's October 1, 2012 motion to dismiss is DENIED AS MOOT, and Plaintiff's objections to the report and recommendation are OVERRULED.

s/John Corbett O'Meara  
United States District Judge

Date: February 13, 2013

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 13, 2013, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager